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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

678-405 (P8985)

Application Number

09/467,210

Filed

December 20, 1999

First Named Inventor

KWON, Dae-Heon

Art Unit

2623

Examiner

USTARIES, Joseph G.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒

attorney or agent of record.

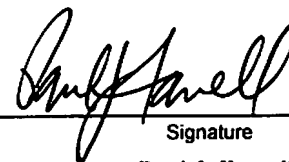
33,494

Registration number _____

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attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____



Signature

Paul J. Farrell

Typed or printed name

516-228-3565

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7-17-08

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

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*Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT APPLICATION
Attorney Docket No.: 678-405 (P8985)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S):	KWON, Dae-Heon	GROUP ART UNIT: 2623
APPLICATION NO.:	09/467,210	EXAMINER: USTARIS, Joseph G.
FILING DATE:	December 20, 1999	DATED: July 17, 2008

**FOR: PORTABLE TELEVISION (TV) PHONE AND METHOD FOR
 CONTROLLING OPERATION THEREOF**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

In response to the Office Action of the United States Patent and Trademark Office dated April 22, 2008, please consider the following remarks.

REMARKS

Claims 1-3 are currently pending in this application. In the Office Action, the Examiner has rejected Claims 1-3 under 35 U.S.C. §103(a) as being unpatentable over Kikinis (U.S. Patent 6,243,596) in view of Tsukamoto et al. (U.S. Patent 5,005,013), Lagoni et al. (U.S. Patent 6,141,058), Porco (U.S. Patent 4,873,712), Zato (U.S. Patent 4,465,902) and Reyes et al. (U.S. Patent 5,835,578).

This request is being submitted because the Examiner is using impermissible hindsight to use the claims as a frame and the prior art references as a mosaic to piece together a facsimile of the invention, and because Kikinis in view of Tsukamoto et al., Lagoni et al., Porco, Zato and Reyes et al., or any combination thereof, fails to teach or reasonably suggest at least a first incoming call alarm mode switching from the TV mode to the phone mode; a second incoming call alarm mode switching off and on, at a predetermined interval, the audio signal output from the TV module; and a third incoming call alarm mode displaying one of an incoming call character message and a preset graphic message, at a specific region or an entire portion of the TV image viewing screen, and generating an alarm signaling a reception of the incoming call according to at least one of the first, the second, and the third incoming call alarm mode.

Regarding the rejection of independent Claim 1 under §103(a), the Examiner improperly states that Kikinis in view of Tsukamoto et al., Lagoni et al., Porco, Zato and Reyes et al. renders the claim unpatentable. Kikinis discloses a method and apparatus for modifying and integrating a cellular phone with the capability to access and browse the Internet; Tsukamoto et al. discloses a pager with a display function; Lagoni et al. discloses a television receiver having a user-editable telephone system caller-ID feature; Porco discloses a telephone controlled interrupter circuit; Zato discloses a digital space phone system; and, Reyes et al. discloses a modem with ring detection/modem processing capability.

Claim 1 of the present application recites a first incoming call alarm mode switching from the TV mode to the phone mode; a second incoming call alarm mode switching off and on, at a

predetermined interval, the audio signal output from the TV module; and a third incoming call alarm mode displaying one of an incoming call character message and a preset graphic message, at a specific region or an entire portion of the TV image viewing screen, and generating an alarm signaling a reception of the incoming call according to at least one of the first, the second, and the third incoming call alarm mode.

The Examiner has continued to improperly state that Porco discloses the first incoming call alarm mode, and that Zato discloses the second incoming call alarm mode. Applicants respectfully disagree.

Col. 3, line 44 to Col. 5, line 27 of Porco relates to an electrical system that provides power to two separate devices, i.e. a vehicular telephone and an audio system. More particularly, the electrical system supplies power to the vehicular telephone when the telephone is in use, and supplies power to the audio system when the telephone is in a standby state. Porco discloses interrupting the power supply to the audio system when receiving/sending operations are performed in the vehicular telephone while supplying power to the audio system and supplying power to the vehicular telephone. Porco discloses primarily supplying power when the vehicular telephone is operated between the two separate devices, i.e. the vehicular telephone for telephone function and the audio system for audio output.

Porco fails to teach or suggest a first incoming call alarm mode for automatically switching a TV mode to a phone mode in a portable cellular phone having a phone mode and a TV mode, as recited in the claims of the present application.

FIG. 1, Col. 3, lines 16-40 of Zato discloses a television receiver having a telephone capability. Switch 58 connects the normal television audio circuit 61 and the volume control 59, and then the normal TV audio signal input from the normal television audio circuit 61 is output to the speaker 60 through the volume control 59. If an incoming ring signal is supplied, the switch 58 cancels the connection of the normal television audio circuit 61 and the volume control 59, and connects the D/A converter 56 to the volume control 59, and then the tone generator

signal input from the D/A converter 56 is output to the speaker 60 through the volume control 59. The television viewer is alerted to an incoming telephone call by an audible ring signal from the television speaker and by visual indicator.

As mentioned above, Zato only discloses that a television receiver disconnects the normal TV audio signal, connects the ringing signal alerting an incoming telephone call and outputs the ringing signal when the ringing signal is generated during the output of the normal TV audio signal.

Zato fails to disclose the operation of outputting ringing signals by connecting and/or disconnecting a TV audio signal at a predetermined interval.

Accordingly, Zato does not disclose a second incoming call alarm mode switching off and on, at a predetermined interval, the audio signal output from the TV module and generating an alarm signaling a reception of the incoming call as recited in the claims of the present application.

Based on at least the foregoing, Claim 1 is patentable over the combination of Kikinis in view of Tsukamoto et al., Lagoni et al., Porco, Zato and Reyes et al., and withdrawal of the rejection of independent Claim 1 under §103(a) is respectfully requested.

The Examiner has failed to establish a *prima facie* case of obviousness for at least the foregoing reasons.

Independent Claim 1 is believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2 and 3, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2 and 3 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-3, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written in a cursive style.

Paul J. Farrell

Reg. No. 33,494

Attorney for Applicant

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